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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,152	07/15/2003	Alfred Thomas	47079-00219USPT	1210
70243	7590	08/28/2008		
NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,152	THOMAS, ALFRED	
	<b>Examiner</b>	<b>Art Unit</b>	
	FRANK M. LEIVA	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 11-26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 11-26 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The examiner acknowledges amendments to independent claims 1, 13, 20 and 30 in applicant's submission filed 04 April 2008.

### ***Response to Arguments***

2. Applicant's arguments filed 04 April 2008 have been fully considered but they are not persuasive. Perrie uses a different mechanical device but the teaching is no different than bonus games that just add specific scatter symbols during free play that are not counted or accumulated during regular play. It is well-known for bonus games to pay differently than regular play if by any means such as a special multiplier, etc. Also Satoh discloses displaying a transition to the bonus game, which stands to be displaying an indication to the player that the bonus is underway.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Perrie.**

5. **Regarding claim 1;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels device displayed on a gaming machine, the method comprising receiving a wager to play a base wagering game that utilizes the mechanical reels; detecting an indication to play a special feature game that utilizes the mechanical

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reels device; and in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base wagering game and the changed appearance of the mechanical reels being maintained while the special feature game is played, ([0001, 0054], wherein the disclosure of a slot machine it is inherent to have reels and receiving of wagers and a base game with a bonus, since transition to bonus is mentioned, detecting the trigger event for the bonus is also inherent. Satoh fails to disclose having different odds for the base game and bonus game; whereas Perrie discloses the base wagering game having a first mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels; and the special feature game having, a second mathematical model of player odds, the outcomes of the player odds displayable on the mechanical reels and the second mathematical model being different from the first mathematical model, (col. 22:35-40), and having different odds from the base game it would disclose a base game having a first mathematical model of player odds, and a special feature game having a second mathematical model of player odds, the second mathematical model being different from the first mathematical model. The motivation to combined is explicitly stated in the writings of Perrie and one of ordinary skill in the art could easily combined the teachings to add a substantially different game to a base game to make it more interesting to the player, adding this feature would yield predictable results.

6. **Regarding claims 3 & 25;** Satoh discloses wherein the special feature game comprises a bonus game, ([0054]).

7. **Regarding claims 5 & 14;** Satoh discloses wherein changing the appearance comprises illuminating an illumination source of the gaming machine, ([0054]).

8. **Regarding claims 6 & 15;** Satoh discloses wherein the illumination source is selected from the group consisting of black-light, colored light emitting diodes, white light emitting diodes, organic light emitting diodes, incandescent bulbs, colored film in

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conjunction with incandescent bulbs and colored film in conjunction with light emitting diodes, (¶[0054]).

9. **Regarding claims 11 & 18;** Satoh discloses wherein the first and second indications are based on a selection by a player, (¶[0004-0005]), wherein the illumination is dependent on the amount of coins (paylines selected) wagered by the player.

10. **Regarding claims 12 & 19;** Satoh discloses wherein the indication is based on a triggering event occurring during base wagering game play (slot game), (¶[0004-0005]), wherein the illumination is triggered by the symbols stopping on the active paylines.

11. **Regarding claim 13;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels on a gaming machine, the method comprising: receiving a wager to play a slot game that utilizes the plurality of mechanical reels; detecting a first indication to play a bonus game that utilizes the plurality of mechanical reels; in response to detecting the first indication, changing a color of the plurality of mechanical spinning reels prior to playing the bonus game and maintaining the changed color of the plurality of mechanical spinning reels during the playing of the bonus game; detecting a second indication to terminate play of the bonus game; and in response to detecting the second indication, restoring the color to the plurality of mechanical spinning reels, (¶[0054]), the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

12. **Regarding claim 20;** Satoh discloses a gaming machine comprising: a value input device; a displayed plurality of mechanical reels operable during both a base game and a special feature game; an illumination source adapted to illuminate the displayed mechanical reels device; and a controller operatively coupled to the value input device, the displayed mechanical reels and the illumination source, the controller

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comprising a processor and a memory coupled to the processor, the controller being programmed to allow a player to make a wager to play the base game, detect a first indication to play the special feature game, and in response to detecting the first indication, illuminate the illumination source to change an appearance of the displayed mechanical reels prior to playing the special feature game to provide visual notification to a player that the special feature game is underway rather than the base game and the changed appearance of the mechanical reels is maintained while the special feature game is played, (¶ [0001-0004 and 0054]), ], the indication of transition means that prior to the bonus stage starting the colors are changing, the implication of a transition means that the colors will remain during the bonus and change back, (another transition to normal).

13. **Regarding claim 23;** Satoh discloses wherein the change to the appearance of the displayed mechanical reels comprises a color change to the displayed mechanical reels, ¶ [0054]).

14. **Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Poole et al. (US 6,702,675 B2).**

15. **Regarding claims 7 & 17;** Satoh discloses the limitations of claims 1 and 13 which claims 7 and 17 depend on, and Poole discloses in Fig. 4 and 5 of his invention, wherein changing the appearance comprises overlaying a video image upon the mechanical reels, wherein Poole is a video slot game, still it represents the image as if overlaid on the virtual reels. The examiner points to the simple nature of overlaying a picture in front of the reels after viewing Poole, it would not be an invention but a simple incorporation of Poole and would yield the predictable result.

16. **Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Official Notice.**

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17. **Regarding claims 16 and 21;** Satoh discloses changing colors to mark the transition to a bonus feature, and or to mark any change in game state including the termination of the bonus feature, (¶[0001 and 0054]), yet Satoh fails to mention de-illumination as an indication where the examiner takes official notice to the fact that the color remaining by not illuminating an object is the same as a change of color, as simple as black being the absence of color yet a color in itself, so is the illumination with a colored light and de-illuminating it would constitute a change in color and thus disclose in Satoh though not explicitly is, in response to detecting the second indication, de-illuminate the illumination source to restore the appearance of the displayed mechanical reels.

18. **Claims 4, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Perrie (US 6,481,713 B2).**

19. **Regarding claim 30;** Satoh discloses a method for changing an appearance of a plurality of mechanical reels device displayed on a gaming machine, the method comprising: receiving a wager to play a base game; displaying a base game outcome with the mechanical reels device; detecting an indication to play a special feature; in response to detecting the indication, changing an appearance of the mechanical reels prior to playing the special feature game and maintaining the changed appearance of the mechanical reels while the special feature game is played device; and displaying a special feature game outcome with the mechanical reels device, (¶[0001-0004 and 0054]). Satoh fails to mention the odds difference between the base game and the feature game. Perrie discloses a game of dice that can be used for a bonus feature game (col. 22:35-40), and having different odds from the base game it would disclose a base game having a first mathematical model of player odds, and a special feature game having a second mathematical model of player odds, the second mathematical model being different from the first mathematical model. The motivation to combined is explicitly stated in the writings of Perrie and one of ordinary skill in the art could easily

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combined the teachings to add a substantially different game to a base game to make it more interesting to the player, adding this feature would yield predictable results.

20. **Regarding claims 4 & 26;** Satoh discloses wherein the special feature game comprises a secondary game, but Perrie (col. 17:64-65) states requiring an additional wager to continue to the next hand, and as stated above on claim 30 rejection these additional features represent predictable results.

21. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML

08/22/2008